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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**

### 3 | UNITED STATES OF AMERICA.

4 Plaintiff,

5 | V

6 MICHAEL RICHARD LYNCH AND  
STEPHEN KEITH CHAMBERLAIN

Defendants

CASE NO. 3:18-cr-00577-CRB

# **DEFENDANT CHAMBERLAIN'S RESPONSE TO GOVERNMENT'S MOTION FOR RULE 17 SUBPOENAS**

Date: November 8, 2021

Date: November  
Time: 1:30 p.m.

Crtrm.: 6

Assigned to Hon. Charles R. Brever

1 Chamberlain does not in principle oppose the government's request that the  
 2 Court issue subpoenas to the seven individuals identified in the government's  
 3 motion. But the government has not yet prepared the actual proposed subpoenas,  
 4 and Chamberlain respectfully submits that the Court should not rule on the  
 5 government's motion until it has done so. To that end, the parties are meeting and  
 6 conferring in an effort to reach agreement on the form and content of the  
 7 government's proposed subpoenas, and have agreed that a hearing on this motion be  
 8 set on December 8, 2021, or at a time convenient to the Court.

9 Chamberlain also notes two factual misstatements in the government's brief.  
 10 First, the government states that Chamberlain "now works for [Lynch]". Mot. at 2.  
 11 That statement is not correct. Chamberlain is currently on leave from his prior  
 12 employment by a company called Darktrace. Before that, he worked for Sepura, HP,  
 13 and Autonomy, respectively. He has never "worked for" Lynch.

14 Second, the government states that all seven proposed subpoena recipients  
 15 "followed Lynch from Autonomy to HP in 2011, and then to Invoke Capital or  
 16 Darktrace in 2012 or later." Mot. at 3. That also is not accurate. First, not all of the  
 17 individuals worked for Autonomy at the time of the HP acquisition. Second,  
 18 Autonomy naturally became part of HP following the acquisition in 2011; those who  
 19 were at Autonomy merely continued their employment with Autonomy post-  
 20 acquisition. In other words, no one "followed" Lynch to HP. Third, most of these  
 21 individuals did not depart HP with Lynch in 2012. Thus, the government's  
 22 characterization of the chronology is misleading.

23 Finally, the government leaves the misleading impression that it has been  
 24 deprived of information from these witnesses. However, six of the seven proposed  
 25 subpoena recipients on the government's list have provided statements and/or  
 26 testimony relating to the government's allegations—either in government interviews,  
 27 the grand jury, and/or the U.K. civil trial.

28 Nevertheless, Chamberlain does not oppose a streamlined subpoena that

1 focuses on the Count 17 allegations relating to the disputed claim that Lynch  
2 attempted to improperly influence the testimony of these witnesses.

3 DATED: November 24, 2021 Gary S. Lincenberg  
4 Bird, Marella, Boxer, Wolpert, N  
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By:

М. Г.

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